

REMARKS

Applicants have studied the Final Office Action dated February 19, 2009. Claims 45-62 are pending. No new matter has been added as the new claims have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Objection to the Drawings

The drawings were objected to because the drawings allegedly do not show every feature of the invention specified in the claims. In particular, the Examiner asserted that all features of claims 45 and 55 must be shown in the drawings or the features should be canceled from the claims.

Contrary to the Examiner's assertion, it is respectfully submitted that the drawings sufficiently support the features recited in independent claims 45 and 55. In particular, FIG. 6, as submitted on June 19, 2008 with the previous amendment, supports every feature recited in independent claims 45 and 55. It is respectfully submitted that the grounds for objection have been overcome and it is respectfully requested that the Examiner withdraw the objection.

Objection to the Claims

Claims 45, 53, and 55 were objected to due to informalities. With this paper, claims 45, 53, and 55 have been amended as suggested by the Examiner or to address the claim objections. It is respectfully submitted that the grounds for objection have been overcome and it is respectfully requested that the Examiner withdraw the objection.

§ 112 Rejections

The Examiner rejected claims 45-62 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted that the disclosure in the specification does not support the subject matter recited in the claims. Contrary to the Examiner's assertion, it is respectfully submitted

that the specification as originally filed, in particular FIG. 6 and pages 31-32 of the specification, supports the features recited in the pending claims.

The Examiner also rejected claims 45-62 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that claims 45 and 55 are unclear. Independent claims 45 and 55 have been amended and it is believed that the amendments address the Examiner's concerns.

In particular, with regard to the Examiner's statement that claim 45 does not recite any common downlink channel, it is respectfully submitted that the common downlink channel is not an essential feature in the presently claimed invention. As disclosed in the last paragraph on page 18 of the specification as originally filed, the MBMS service can be provided to a plurality of terminals by employing a common (dedicated or exclusive) downlink channel. Therefore, as recited in independent claims 45 and 55, not only the common downlink channel, but also a "dedicated" or "exclusive" downlink channel may be utilized to provide the MBMS service.

In view of the above discussion, it is respectfully submitted that the grounds for the rejection have been overcome and it is respectfully requested that the Examiner withdraw the rejection.

Allowable Subject Matter

Applicant graciously acknowledges the Examiner's indication of allowable subject matter in claims 45-62. In particular, the Examiner indicated that claims 45-62 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph.

As discussed above, independent claims 45 and 55, as amended, address the 35 U.S.C. § 112 rejections, and therefore, it is respectfully asserted that independent claims 45 and 55 are in allowable condition. It is further respectfully asserted that claims 46-54 and 56-62, which depend from independent claims 45 and 55, respectively, also are allowable at least by virtue of their dependency from their respective allowable base claims.

CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned agent at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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